

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ROBERT MANUS and,
NANCY MANUS,**

Plaintiffs,

v.

Case No. 1:10-cv-1162 WDS/DJS

**DEPUY ORTHOPAEDICS, INC.
AND JOHNSON AND JOHNSON**

Defendants.

MOTION FOR DEFAULT JUDGMENT

COMES NOW, the Plaintiffs, by and through their attorneys of record, BRANCH LAW FIRM, (Turner W. Branch and Brent M. Ferrel) and moves this Court pursuant to Federal Rules of Civil Procedure 55(a) for an entry of default judgment in this cause. As grounds therefore, Plaintiffs state:

1. Plaintiffs' complaint was filed in this Court on December 7, 2010.
2. The Complaint was sent for service on the registered agent for DePuy Orthopaedics, Inc. DePuy Orthopaedics, Inc. is a wholly owned subsidiary of Johnson and Johnson. Johnson and Johnson did not have a registered agent in New Mexico therefore an additional Complaint was served to DePuy's registered agent for Johnson and Johnson. *See* Exhibit A.
3. Service was perfected upon the Registered Agent of the Defendant, the wholly owned subsidiary of Johnson and Johnson, through the Registered Agent of Defendant Depuy

Orthopaedics, on December 14, 2010. *See* Exhibit B.

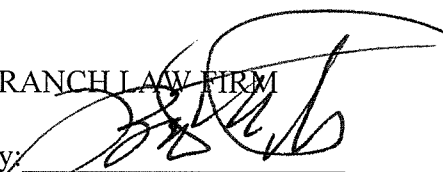
4. The summons indicating service upon the Defendants' registered agent was returned to the Court on April 12, 2011.

5. To date, no response has been received and Defendant DePuy Orthopaedics Inc., and Defendant Johnson and Johnson have not otherwise appeared in this action pursuant to Fed. R. Civ. 55 (a).

WHEREFORE, for the reasons set forth above, Plaintiffs respectfully request that this Court grant this motion for Default Judgment against both Defendants, set an evidentiary hearing to determine damages and for such further relief this court deems just and proper.

Respectfully submitted,

BRANCH LAW FIRM

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I hereby certify that I served a true and correct copy of the foregoing pleading, praecipe and proposed order on purported registered agent for service this 19 day of May, 2011, via first class mail.

